

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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Julie A. Su,  
Acting Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

NAB LLC d/b/a NAB Nail Salon d/b/a NAB  
Nail Bar, a Nevada limited liability  
corporation; Asia Trinh, an individual and  
managing agent of the Corporate Defendant;  
Nicole Brown, an individual and managing  
agent of the Corporate Defendant,

Defendants.

Case No. 2:21-cv-00984-JCM-EJY

**ORDER**

Pending before the Court is Defense Counsel's Motion to Withdraw. The Motion is prompted by Defendants filing a Writ of Certiorari with the Nevada Supreme Court without counsel's knowledge or consent. There is no doubt that this filing demonstrates the relationship between defense counsel and Defendants has deteriorated such that requiring defense counsel to remain on the case is contrary to Rule 1.15 of the Nevada Rules of Professional Conduct. The Court finds allowing defense counsel to withdraw will not prejudice Defendants. The Motion for Sanctions that prompted defense counsel's involvement in this case is resolved with a final Order issued at ECF No. 81. No other deadlines are pending. However, a Notice Requesting Scheduling Conference was filed by the Department of Labor on February 5, 2024 seeking a dispositive motion deadline and trial setting (ECF No. 82).

The above facts demonstrate good cause for the Motion to Withdraw. Nonetheless, given the status of this case and the Department of Labor's Notice seeking a scheduling conference for dispositive motions and trial setting, the Court finds it appropriate to enter the following Order.

IT IS HEREBY ORDERED that Lewis Brisbois Bisgaard & Smith, and specifically Mr. Jeffrey D. Winchester, **must** provide a copy of this Order to each Defendant through email and U.S.

1 Mail highlighting the instructions of the Court. Mr. Winchester **must** file a notice of compliance no  
2 later than **February 15, 2024**.

3 IT IS FURTHER ORDERED that **no later than February 22, 2024** NAB LLC, Asia Trinh,  
4 and Nicole Brown (“Defendants”) **must** submit in writing to the Court whether they oppose the  
5 Motion to Withdraw. Defendants’ may submit their writing either by mail directed to Clerk of Court,  
6 U.S. District Court, 333 Las Vegas Blvd. South, Las Vegas, NV 89101 or by hand delivery to the  
7 Clerk’s Office located in the Lloyd D. George Federal Courthouse at 333 Las Vegas Blvd. South,  
8 Las Vegas, NV 89101. Defendants **must** include **the case number** (2:21-cv-0984) on their  
9 submission and identify themselves as Defendants. Defendants **must** further indicate whether they  
10 intend to retain new counsel.

11 IT IS FURTHER ORDERED that if nothing is received from the Defendants in response to  
12 this Order on or before **5 p.m. on February 22, 2024**, the Motion to Withdraw will be granted. The  
13 Court will then make a recommendation that the dispositive motion deadline be set for  
14 approximately thirty (30) days thereafter—**March 25, 2024**.

15 Dated this 13th day of February, 2024.

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18 ELAYNA J. YOUCHAH  
19 UNITED STATES MAGISTRATE JUDGE  
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